

The following Listing of the Claims will replace all prior versions and all prior listings of the claims in the present application:

1. (Currently amended) An isolated DNA material comprising either a T7 promoter or the xylA promoter, and a ribosome binding site from a Gram-positive bacterium, and a reporter gene[[,]] which is operably linked to the promoter.
2. (Currently amended) The DNA material of claim 1, wherein the reporter gene is a luciferase gene.
3. (Currently amended) The DNA material of claim 1, wherein the DNA material is a plasmid, and said plasmid additionally comprises a selection marker and/or an origin of replication.
4. (Currently amended) The DNA material of claim 1, wherein the DNA material comprises a sequence selected from the group comprising(i) the sequence of (SEQ ID NO:5); and (ii) a sequence at least 90% identical to (SEQ ID NO:5);(iii) ~~the sequence of (SEQ ID NO:6); and~~ (iv) ~~a sequence at least 90% identical to (SEQ ID NO:6).~~
5. (Withdrawn) A method to determine whether a test substance has anti-microbial activity against Gram-positive bacteria, comprising the steps of (i) incubating the test substance with bacterial cell extract of a Gram-positive bacterium and the DNA material of any of claims 1 to 4; and(ii) detecting a signal resulting from the expression of said reporter gene.
6. (Withdrawn) The method of claim 5 wherein the Gram-positive bacterium is Staphylococcus, Pneumococcus or Enterococcus.

7. (Withdrawn) The method of claim 5, wherein said bacterial cell extract is a bacterial S30 cell extract.
8. (Currently amended) (Withdrawn) The method of claim 5, wherein said incubation is on a multi-well plate[[,]] suitable for use in a plate reader.
9. (New) An isolated DNA material comprising the xylA promoter, a ribosome binding site from a Gram-positive bacterium, and a reporter gene which is operably linked to the promoter, wherein the reporter gene is a luciferase gene.
10. (New) The DNA material of claim 9, wherein the DNA material is a plasmid, and said plasmid additionally comprises a selection marker and/or an origin of replication.
11. (New) An isolated DNA material comprising the xylA promoter, a ribosome binding site from a Gram-positive bacterium, and a reporter gene, which is operably linked to the promoter, wherein the DNA material comprises a sequence selected from the group comprising (i) the sequence of (SEQ ID NO:6); and (ii) a sequence at least 90% identical to (SEQ ID NO:6).
12. (New) The isolated DNA material of claim 4, wherein the DNA material comprises a sequence selected from the group comprising (i) a sequence at least 95% identical to (SEQ ID NO:5); (ii) a sequence at least 98% identical to (SEQ ID NO:5) and (iii) a sequence at least 99% identical to (SEQ ID NO:5).
13. (New) The isolated DNA material of claim 11, wherein the DNA material comprises a sequence selected from the group comprising (i) a sequence at least 95% identical to (SEQ ID NO:6); (ii) a sequence at least 98%

identical to (SEQ ID NO:6) and (iii) a sequence at least 99% identical to (SEQ ID NO:6).

14. (New) The isolated DNA material of claim 11, wherein said reporter gene is luciferase gene.